



C A No. Applied For
Complaint No. 64/2024

In the matter of:

Brijesh Rani

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Seema Rawat, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 25th April, 2024

Date of Order: 02nd May, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Smt. Brijesh Rani against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that Smt. Brijesh Rani applied for new electricity connection vide request no. 8006717716 at premises no. 520-521, 3rd floor, Left hand side, Harminder Colony, Ram Dass Nagar, Laxmi Nagar, Delhi-110092, but respondent rejected the application of the complainant for new connection due to

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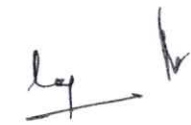
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"MCD Objection, NOC or Completion and Occupancy Certificate required, dues at site and applied and existing meters address are different" but Complainant stated that his premises are not booked by MCD nor there are any dues pending upon his property. Therefore, he requested the Forum to direct the respondent for release of new connections.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking three new electricity connection at Third floor for property bearing no. 520-521, LHS, HARminder Colony, Guru Ram Dass Nagar, Laxmi Nagar, Delhi-110092.

In respect of the application of complainant for new connection vide request no. 8006717716 the deficiency letter was issued for the reason as applied address was found in MCD objection list forwarded to respondent vide letter no. EE(B)-II/Sh(S)/2022/D-513 dated 26.07.2022. The subject property is mentioned at serial no. 14. As per the said list unauthorized construction 'is in shape of Third Floor, (GF + TF occupied).

On site visit plot no. 516-17 and 520-521 were found to be joint having six electricity connections. The building structure was found to be consisting of ground plus four floors. Each floor has two dwelling units except for fourth floor on which only one unit towards right hand side was found existing. The details of six electricity connections are as under:

 
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S.no.	CA No.	R/C	Address	Year of energization
1	101010922	Vishal Aggarwal	521, K-block, Gali No. 5	17.08.2010
2	101092242	Vishal Aggarwal	521, K-block, Gali No. 5	09.08.2010
3	100929132	Milkha Singh	520/521, Guru Ram Dass Nagar	21.08.1976
4	100986266	Piyush Gupta	520/521, Guru Ram Dass Nagar	07.02.2006
5	154168693 (name change)	Nasreen Jahan	516-517-520 & 521, Guru Ram Dass Nagar	27.05.2023
6	150929993	Jyoti Sinha	516, Guru Ram Das Nagar	11.12.2013

The application of complainant stands rejected as third floor of subject premises is booked by MCD and further on account of outstanding pro-rata dues of Rs. 5281/- against CA No. 100936233.

3. Counsel of the complainant filed his rejoinder, refuting the contentions of the respondent as averred in their reply and stated that the complainant purchased the third floor of the property bearing no. 520-521, left hand side, Harminder Colony, Guru Ram Dass Nagar, Laxmi Nagar, Delhi by virtue of registered General Power of Attorney dated 01.09.2008 and thereafter the complainant got new electricity connection in his name vide CA No. 100997735 which was removed by OP on account of non-payment of dues in March 2022.

4. Arguments of both the parties are heard and perused the record.

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5. The main issue in the present case is release of new connection in the MCD booked premises.
6. From the narration of facts and material placed before us we find that the premises where new connection is applied for by the complainant is having address 520-521, third floor, left hand side, Harminster colony, Guru Ram Dass Nagar, Laxmi Nagar. The said application of the complainant was rejected on grounds of premises booked by MCD. The counsel of the complainant argued that the premises booked by MCD are of right side because there is construction above the third floor whereas his premises are old constructed and he had not done any construction. He also submitted that he was having an electricity connection in his portion which was disconnected in March 2022 on account of non-payment of dues. MCD booked the premises of the complainant on 26.07.2022 in the shape of Unauthorized construction in the shape of 3rd floor, (GF + TF) occupied. The MCD booking nowhere mentions that third floor has construction over it. Therefore, we feel that it the premises of complainant only which are booked by MCD.
7. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 10 (3) for the new connection proof of ownership or occupancy is required.
- Performa for new connection has been provided in DERC (Supply Code and Performance Standards) Regulations 2017 as annexure 1, seven declarations are required as per performa and in this case 5th one is important "that the building has been constructed as per prevalence building bye-laws and the fire clearance certificate, if required, is available with the applicant."
- DERC (Supply Code and Performance Standards) Regulations 2017, Rule 11 (2)(iv)(c) shows that "the Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

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(c) the energization would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.

8. Hon'ble Delhi High court in case of Parivartan Foundation Vs. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that

3. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.

4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.


9. Thus, in view of above, we are of considered opinion that the new connections applied by the complainant cannot be granted. For release of the new electricity connections the complainant has to file Building Completion Certificate from Municipal Corporation of Delhi.


ORDER


Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. However, if in future the complainant submits Building Completion Certificate, OP should to release him new electricity connection, subject to fulfilling any other required formalities.


The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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